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FISCAL IMPACT STATEMENT

LS 6816
BILL NUMBER: SB 391

NOTE PREPARED: Dec 31, 2011
BILL AMENDED:

SUBJECT: Various Health Matters.

FIRST AUTHOR: Sen. Miller
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a local health officer to show identification and receive consent before entering the premises to inspect or perform other tasks to determine compliance with public health laws and rules and to prevent and suppress disease. The bill sets forth circumstances in which consent is not required. It also sets forth multiple actions that a court may take to enforce a local board of health order, citation, or administrative notice. (Current law allows the court to enforce an order by injunction.)

The bill specifies that the entries into the Indiana death registration system are required only for deaths that occurred after December 31, 2010.

The bill prohibits the collection of Marion County small claims court fees from a state or political subdivision.

The bill exempts the Health and Hospital Corporation from following certain procedures in the sale, lease, or disposal of property. (Current law exempts the Health and Hospital Corporation from following these procedures in the disposal of surplus property.)

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: *Marion County Small Claims Court Fees:* There are no court data to indicate the number of claims filed by a state or political subdivision that would no longer be required to pay the court fees. The fiscal impact of this bill is indeterminate, being dependent on the future number of claims

that would otherwise have been filed. The Marion County Health and Hospital Corporation reported the following data on small claims cases filed.

Year	Cases Filed
2007	1,096
2008	1,675
2009	395
2010	0

To the extent that the state or political subdivisions use the Marion County small claims courts to collect debts, the bill would decrease fee revenue of the small claims courts by prohibiting the collection of court fees from the state or a political subdivision. Some of the fees collected, such as the Automated Record Keeping Fee, are transferred to the state General Fund or to state dedicated funds. In CY 2010, Marion County small claims court fees in total generated \$1,607,298 in state revenue.

Explanation of Local Expenditures: *Disposal of Health and Hospital Corporation Property:* The bill would exempt the Health and Hospital Corporation from following certain procedures involving various approvals, public hearings, appraisals, and publication of notices for the sale, lease, or disposal of real or personal property. The fiscal impact of this provision would depend upon administrative actions taken by the Health and Hospital Corporation with regard to the sale, lease, or disposal of property.

Marion County Small Claims Court: The fiscal impact of this provision would depend on actions taken by political subdivisions that might use the small claims court venue to attempt to collect debts. The number of claims filed could remain the same or potentially increase while the courts experience a decrease in operating revenue. The fewer claims that are filed by political subdivisions, the smaller the impact of the bill.

Explanation of Local Revenues: *Marion County Small Claims Court Fees:* To the extent that the state or political subdivisions use the Marion County small claims courts to collect debts, the bill would decrease fee revenue of the small claims courts by prohibiting the collection of court fees from these entities. County revenues would also be affected to the extent that some of the court fee revenues are distributed to the county. This provision would allow political subdivisions such as the Health and Hospital Corporation or school corporations to file actions against debtors in the Marion County small claims courts without having to pay court fees of approximately \$77 per case. (Service of process fees of \$13 are not included since they are paid by the litigants and go directly to the constables.) The small claims courts handle collection disputes up to \$6,000.

Background Information: In CY 2010, there were 69,581 cases filed in Marion County small claims courts. These cases generated \$7,117,091 in court fees and fees for service of process. Of the total, Marion County received \$135,411 in document storage fees and \$1,607,298 was transferred to the state. The townships received \$3,071,696 in fees for judicial salaries, court administration, filing docket, redocket, and other fees. Township constables were paid \$2,302,686 for service of process fees in CY 2010.

State Agencies Affected: Courts.

Local Agencies Affected: Marion County township small claims courts, townships, and constables; Marion County; Health and Hospital Corporation; Marion County school corporations.

Information Sources: *Indiana Judicial Year in Review*, 2010, Marion County Health and Hospital Corporation.

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